

creating and storing a consistency check mechanism, a history check mechanism, an automatic verification mechanism and an Internet identification mechanism, each of which may indicate whether the credit card transaction is fraudulent based on transaction information, in combination with information that identifies the consumer, in which the transaction information provides the merchant with a quantifiable indication of whether the credit card transaction is fraudulent;

receiving from the merchant and storing a weight value associated with each of the mechanisms and storing the weight value in association with information that identifies the mechanisms, wherein each of the weight values signifies an importance to the merchant of the value to the credit card transaction of the associated mechanism;

weighting each value of the plurality of parameters according to the weight values;
determining whether the credit card information is fraudulent, based upon the values of the parameters and the weight values;

communicating to the merchant, over the Internet, an indication whether the credit card information is fraudulent;

wherein the steps of creating and storing further include:

obtaining other transactions utilizing an Internet address that is identified with the credit card transaction;

constructing a map of credit card numbers based upon the other transactions; and
utilizing the map of credit card numbers to determine if the credit card transaction is valid.

2. A computer readable medium containing program instructions for detecting fraud in a credit card transaction between a consumer and a merchant over the Internet, wherein execution of the program instructions by one or more processors of a computer system causes the one or more processors to carry out the steps of:

a) obtaining credit card information relating to the transactions from the consumer; and
b) verifying the credit card information based upon values of a plurality of parameters, in combination with information that identifies the consumer, and that may provide an indication whether the credit card transaction is fraudulent,

wherein each value among the plurality of parameters is weighted in the verifying step according to an importance, as determined by the merchant, of that value to the credit card

transaction, so as to provide the merchant with a quantifiable indication of whether the credit card transaction is fraudulent,

wherein execution of the program instructions by one or more processors of a computer system causes the one or more processors to carry out the further steps of;

obtaining other transactions utilizing an Internet address that is identified with the credit card transaction; constructing a map of credit card numbers based upon the other transactions; and

utilizing the map of credit card numbers to determine if the credit card transaction is valid.

As a threshold matter, the Office Action does not establish a *prima facie* case of obviousness. The Office Action asserts why the claims of the '154 patent are similar to the present claims, but does not provide a rationale about why one of ordinary skill in the art would have considered the present claims obvious in view of the claims of the '154 patent. Mere similarity of claims is insufficient to support a non-statutory double patenting rejection. A proper rationale to support a conclusion of obviousness must be explained.

To the extent the Office Action is considered to present a *prima facie* case, the present claims are patentably distinct from claims 1-2 of the '154 patent—although understanding the difference may require close study of the claims. In claim 1 of the '154 patent, “each of the weight values signifies an importance to the merchant of the value to the credit card transaction **of the associated mechanism** ...” Thus, the weight values indicate how important the consistency check mechanism, history check mechanism, automatic verification mechanism and Internet identification mechanism are in determining whether a transaction is fraudulent. In contrast, the claims of the present application describe an entirely different process—a first risk score is determined; a second risk score is determined; the two risk scores are combined with a statistical model to result in a model score value; **and only then** the “merchant-specific threshold values” are blended with the model score value to result in a final fraud risk score value.

Further, the merchant-specific threshold values determine the final fraud risk score value as compared to the first, second, and model score values—not which mechanisms are more important in determining those initial values.

In the present claims the **merchant-specific threshold values are used only after an initial fraud risk score is determined and for a different purpose**, whereas in claims 1-2 of the '154 patent the merchant weight values are not limited to the claimed order. Claims 1-2 of the '154 patent do not teach or suggest using a particular order of use of weight values or merchant-specific threshold values in relation to a risk score determination, for use in determining a final fraud risk score value, as in the present claims.

Claim 3 of the '154 patent is not addressed herein because the features of claim 3 do not expressly recite weight values or merchant-specific threshold values. Therefore, claim 3 of the '154 patent cannot form a basis for a double patenting rejection of the present claims because allowing the present claims cannot extend the term of claim 3. The specification of the '154 patent is immaterial, because “the patent principally underlying the double patenting rejection is not considered prior art.” MPEP 804(II)(B)(1), *citing In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967).

For all the foregoing reasons, the present claims would not have been obvious, to one of ordinary skill at the time of the invention, in view of claims 1-3 of the '154 patent.

Reconsideration and withdrawal of the rejection are respectfully requested.

II. DOUBLE PATENTING ISSUE—APPLICATION NO. 11/168,966

The Office Action provisionally rejects all pending claims based upon non-statutory double patenting in view of later-filed application 11/168,966. Applicants disagree with the basis for the rejection, and believe that all claims in the present application are clearly patentable

over the prior application. However, to advance and expedite prosecution, a terminal disclaimer of the prior application is concurrently submitted herewith. The submission of the terminal disclaimer is not and shall not be construed as an admission that the claims of the present application would have been obvious to one of ordinary skill in the art in view of application 11/168,966 at the time the invention was made.

III. CONCLUSIONS & MISCELLANY

The Office Action sections entitled "Status of Claims" and "Response to Arguments" appear to be correct but do not appear to require any specific response from the Applicant.


For the reasons set forth above, all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is respectfully requested.

No extension fee is believed to be due. However, to the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in relation to this application to our Deposit Account No. 50-1302.

Respectfully submitted,

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